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7 AMGUARD INSURANCE COMPANY

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9 **UNITED STATES DISTRICT COURT**
10 **EASTERN DISTRICT OF CALIFORNIA**

11 DAN CARLTON, an individual,
12 Plaintiff,
13 v.
14 AMGUARD INSURANCE COMPANY, a
foreign corporation; and
15 DOES 1 to 100, inclusive,
16 Defendants.

Case No. 2:22-cv-02030-WBS-DB
**AMENDED STIPULATION AND ORDER TO
EXTEND DISCOVERY, PRETRIAL DATES
AND TRIAL DATE SET IN STATUS
(PRETRIAL SCHEDULING) ORDER**
SECOND REQUEST FOR EXTENSION

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18 Plaintiff Dan Carlton ("Plaintiff") and Defendant Amgard
19 Insurance Company ("Defendant") by and through their respective
20 counsel, hereby stipulate and request the Court to approve their
21 agreement for an extension of the discovery, other pretrial
22 deadlines and trial date as follows by approximately 60 days:

23 1. On August 3, 2023, the Court issued an order extending Pretrial
24 2. Since the order, the parties have exchanged written
25 discovery and informal exchanges of information. The case was
26 mediated on October 2, 2023, unsuccessfully. The defendant's
27 lead counsel, however, has become unavailable due to
28 confidential health related concerns, which has required a

change in lead counsel. If requested, new lead counsel is prepared to advise the court of more details concerning the condition, but cannot put it in a public filing.

3. Counsel have met and conferred privately concerning remaining discovery following the mediation and schedules of the witnesses and counsel prevent taking the relevant parties' depositions prior to the November 16th expert witness disclosure date.

2. Good cause therefore exists for the parties' request because the parties would like to complete the percipient depositions engage in both informal settlement discussions and a possible mediation to attempt to resolve this matter before engaging in further discovery. The parties have completed disclosures, and plaintiff's counsel has noticed the depositions of multiple home office employees of the defendant.

3. In light of the settlement discussions, the discovery to be completed and possible dispositive motions, the parties jointly request that the Court extend the deadlines and dates as proposed below:

Deadline	Current Date	Proposed New Date
Expert disclosures due	November 16, 2023	February 1, 2024
Rebuttal expert disclosures	November 27, 2023	February 15, 2024
Close of factual discovery	December 18, 2023	March 18, 2024
Last day to file motions	February 13, 2024	May 13, 2024
Final Pretrial Conference	April 22, 2024, 1:30 p.m.	
Trial Date	June 24, 2024, 9 a.m.	

4. As the dates for Trial will impact the court, the parties request a new date for the pretrial conference in July and the Trial Date in September of 2024.

5. Accordingly, the parties stipulate and respectfully request that the Court extend the deadlines as proposed, or alternative dates convenient for the Court.

Dated: October 27, 2023

WILSON, ELSE, MOSKOWITZ,
EDELMAN & DICKER LLP

By: 

JOHN H. PODESTA

Attorneys for Defendant
AMGUARD INSURANCE COMPANY

Dated: October 27, 2023

MURPHY AUSTIN ADAMS SCHOENFELD LLP

By

ALEXANDER F. STUART
Attorneys for Plaintiff
DAN CARLTON

ORDER

After considering the stipulation, IT IS HEREBY ORDERED
THAT:

1. For good cause shown, the stipulation is granted;
2. The discovery, motion, pretrial and trial dates are continued as follows:

Expert disclosures due: February 1, 2024

Rebuttal expert disclosures due: February 15, 2024

1 Close of factual discovery: March 18, 2024
2 Last day for filing motions: May 13, 2024
3 Final Pretrial Conference: July 29, 2024, 1:30 p.m.
4 Trial date: September 24, 2024, 9:00 a.m.

5 Dated: October 30, 2023



6 WILLIAM B. SHUBB
7 UNITED STATES DISTRICT JUDGE
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